

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 68459

Robert Arrowood
Ann Marie Arrowood

8459 Water Oak Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 4, 2009, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 428, failure to cease illegal storage of an unlicensed and/or inoperable motor vehicle, failure to tag or remove vehicle on residential property known as 8459 Water Oak Road, 21234.

On October 7, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on September 21, 2009 for removal of untagged/inoperative motor vehicle. This Citation was issued on October 7, 2009.

B. Photographs in the file show a dark colored Saturn sedan without valid tags, parked in the rear yard of this row home. There is a license plate on the front but it has no date stickers and notes in the file state that the license plate is for a different vehicle, and belongs on a 1989 Volvo. Review of the file shows that a Citation for the same code violation was issued to Respondents on March 9, 2009 for improperly storing an untagged Jeep Cherokee vehicle on their property.

C. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Respondents must put valid tags on the vehicle and make it operable, or remove it from the property.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below. If the violation is not corrected, the full civil penalty shall be imposed, Respondents will be subject to additional Citation, and the County will be authorized to remove the untagged vehicle, at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by November 30, 2009.

IT IS FURTHER ORDERED that after November 30, 2009, the County may enter the property for the purpose of removing the untagged vehicle, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 12th day of November 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer